

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.  
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-HSO-RHW

STATE FARM FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF

**STATE FARM'S RESPONSE TO RELATORS' [1350] MOTION FOR LEAVE TO FILE  
EXHIBITS UNDER SEAL**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company (“State Farm”) submits this Response to Relators’ [1350] Motion for Leave to File Exhibits Under Seal. State Farm would show:<sup>1</sup>

1. Relators [1350] Motion seeks leave to file Exhibits J through P to their [1348] Motion to Compel under seal. Relators’ [1350] Motion states that sealing is requested due to the fact that the claims files excerpts at issue have each been designated as “Protected Information” by State Farm under the Court’s [406] Consent Protective Order.

2. State Farm agrees with Relators that Exhibits J through P to their [1348] Motion to Compel should be sealed in the record.

3. Among other things, State Farm’s Privacy Policy, contract rights in some instances, and common law privacy rights protect the privacy of certain information concerning State Farm’s policyholders.

4. In addition, the federal Gramm-Leach-Bliley Act, and Mississippi Department of Insurance regulations, including Miss. Dept. Ins. Reg. 2001-1 (NAIC model 672), protect the privacy of certain information concerning State Farm’s policyholders, with admittedly some

---

<sup>1</sup> Due to the straightforward nature of this motion, State Farm requests the Court to waive Miss. Unif. Civ. L. R. 7(b)(4)’s requirement of a separate memorandum of authorities.

exceptions. State Farm recognizes that “[b]oth the Gramm-Leach-Bliley Act (GLBA) and Mississippi Department of Insurance Regulation 2001-1 contain substantively similar provisions that authorize production, without notice, of non-public personal information to respond to judicial process.” ([1276] at 2.) However, if these particular persons and properties from the in camera list are not ultimately placed in issue, then there could be a dispute as to whether there was a legitimate basis for disclosing their information publicly, thus justifying sealing these exhibits at this time.

5. For these reasons, State Farm designated the claims files excerpts at issue as “Protected Information” under the Court’s [406] Consent Protective Order.

WHEREFORE, PREMISES CONSIDERED, State Farm respectfully requests the Court to grant Relators leave to file Exhibits J through P to their [1348] Motion to Compel under seal. State Farm also seeks such further, supplemental or alternative relief as may be appropriate in the premises.

This the 6<sup>th</sup> day of February, 2018.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

By: s/ E. Barney Robinson III (MB # 09432)  
Michael B. Beers, PHV (ASB-4992-S80M)  
Phil B. Abernethy (MB # 1023)  
E. Barney Robinson III (MB # 09432)  
Amanda B. Barbour (MB # 99119)  
Michael C. McCabe, Jr. (MB # 101548)

ITS ATTORNEYS

OF COUNSEL:

BUTLER SNOW LLP  
Post Office Drawer 4248  
Gulfport, MS 39502  
(P) (228) 575-3025  
(E) michael.mccabe@butlersnow.com

BUTLER SNOW LLP  
250 Commerce Street, Suite 203  
Montgomery, AL 36104  
(P) (334) 832-2900  
(F) (334) 832-2901  
(E) michael.beers@butlersnow.com

BUTLER SNOW LLP  
200 Renaissance at Colony Park, Suite 1400  
1020 Highland Colony Parkway (39157)  
Post Office Box 6010  
Ridgeland, MS 39158-6010  
(P) (601) 948-5711  
(F) (601) 985-4500  
(E) phil.abernethy@butlersnow.com  
(E) barney.robinson@butlersnow.com  
(E) ben.watson@butlersnow.com  
(E) amanda.barbour@butlersnow.com

**CERTIFICATE OF SERVICE**

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following via the means indicated by CM/ECF:

C. Maison Heidelberg  
Ginny Y. Kennedy  
WATSON HEIDELBERG JONES, PLLC  
2829 Lakeland Drive  
Mirror Lake Plaza  
Suite 1502  
Flowood, Mississippi 39232

August J. Matteis Jr.  
William E. Copley  
Derek Y. Sugimura  
Timothy M. Belknap  
WEISBROD, MATTEIS & COPLEY, PLLC  
1900 M Street NW, Suite 850  
Washington, DC 20036  
amatteis@wmclaw.com  
wcopley@wmclaw.com  
dsugimura@wmclaw.com  
tbelknap@wmclaw.com

COUNSEL FOR CORI RIGSBY AND KERRI RIGSBY

Jeffrey S. Bucholtz  
Joyce R. Branda  
Patricia R. Davis  
Jay D. Majors  
UNITED STATES DEPARTMENT OF JUSTICE  
Civil Division  
P.O. Box 261  
Ben Franklin Station  
Washington, DC 20044  
(P) (202) 307-0264  
(F) (202) 514-0280

Lynn Murray  
AUSA  
UNITED STATES ATTORNEY'S OFFICE  
Southern District of Mississippi  
501 East Court Street, Suite 4.430  
Jackson, MS 39201  
(P) (601) 965-2835  
lynn.murray@usdoj.gov  
ATTORNEYS FOR THE UNITED STATES

THIS the 6<sup>th</sup> day of February 2018.

By: s/E. Barney Robinson III (MB # 09432)  
E. Barney Robinson III (MB # 09432)